

FILED
AUG 14 2008
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARIO MERINO

Plaintiff,

vs.

MICHAEL MARTEL

Defendant.

CASE NO. C 08-3231 CW

**PRISONER'S
APPLICATION TO PROCEED
IN FORMA PAUPERIS**

I, MARIO A. MERINO, declare, under penalty of perjury that I am the plaintiff in the above entitled case and that the information I offer throughout this application is true and correct. I offer this application in support of my request to proceed without being required to prepay the full amount of fees, costs or give security. I state that because of my poverty I am unable to pay the costs of this action or give security, and that I believe that I am entitled to relief.

In support of this application, I provide the following information:

1. Are you presently employed? Yes ___ No X

If your answer is "yes," state both your gross and net salary or wages per month, and give the name and address of your employer:

Gross: _____ Net: _____

Employer: _____

1 If the answer is "no," state the date of last employment and the amount of the gross and net
 2 salary and wages per month which you received. (If you are imprisoned, specify the last
 3 place of employment prior to imprisonment.)

4 DIVERSIFIED PROTECTION SYSTEMS \$104,000.00 PER YEAR GROSS
 5 _____
 6 _____

7 2. Have you received, within the past twelve (12) months, any money from any of the
 8 following sources:

9 a. Business, Profession or Yes ____ No X
 10 self employment

11 b. Income from stocks, bonds, Yes ____ No X
 12 or royalties?

13 c. Rent payments? Yes ____ No X

14 d. Pensions, annuities, or Yes ____ No X
 15 life insurance payments?

16 e. Federal or State welfare payments, Yes ____ No X
 17 Social Security or other govern-
 18 ment source?

19 If the answer is "yes" to any of the above, describe each source of money and state the amount
 20 received from each.

21 _____
 22 _____
 23 3. Are you married? Yes ____ No X

24 Spouse's Full Name: _____

25 Spouse's Place of Employment: _____

26 Spouse's Monthly Salary, Wages or Income:

27 Gross \$ _____ Net \$ _____

28 4. a. List amount you contribute to your spouse's support: \$ _____

- b. List the persons other than your spouse who are dependent upon you for support and indicate how much you contribute toward their support. (NOTE: For minor children, list only their initials and ages. DO NOT INCLUDE THEIR NAMES.)

5. Do you own or are you buying a home? Yes ___ No X

Estimated Market Value: \$ _____ Amount of Mortgage: \$ _____

6. Do you own an automobile? Yes ___ No X

Make _____ Year _____ Model _____

Is it financed? Yes ___ No ___ If so, Total due: \$ _____

Monthly Payment: \$ _____

7. Do you have a bank account? Yes ___ No X (Do not include account numbers.)

Name(s) and address(es) of bank: _____

Present balance(s): \$ _____

Do you own any cash? Yes ___ No X Amount: \$ _____

Do you have any other assets? (If "yes," provide a description of each asset and its estimated market value.) Yes ___ No X

8. What are your monthly expenses?

Rent: \$ _____ Utilities: _____

Food: \$ _____ Clothing: _____

Charge Accounts:

Name of Account	Monthly Payment	Total Owed on This Acct.
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

9. Do

1 you have any other debts? (List current obligations, indicating amounts and to whom they are
2 payable. Do not include account numbers.)
3 _____
4 _____

5 10. Does the complaint which you are seeking to file raise claims that have been presented
6 in other lawsuits? Yes ____ No X

7 Please list the case name(s) and number(s) of the prior lawsuit(s), and the name of the court in
8 which they were filed.
9 _____
10 _____

11 I consent to prison officials withdrawing from my trust account and paying to the court
12 the initial partial filing fee and all installment payments required by the court.

13 I declare under the penalty of perjury that the foregoing is true and correct and
14 understand that a false statement herein may result in the dismissal of my claims.
15 _____

16 _____
17 DATE

18 
19 _____
20 SIGNATURE OF APPLICANT
21
22
23
24
25
26
27
28

Case Number: C 08-3231

CERTIFICATE OF FUNDS

IN

PRISONER'S ACCOUNT

I certify that attached hereto is a true and correct copy of the prisoner's trust account statement showing transactions of MARIO MERINO, V-54572 for the last six months at B-6-242U

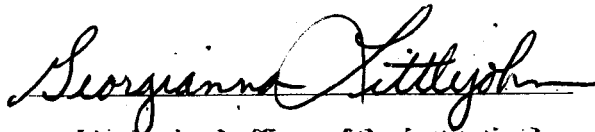
[prisoner name]

MULE CREEK STATE PRISON where (s)he is confined.

[name of institution]

I further certify that the average deposits each month to this prisoner's account for the most recent 6-month period were \$ 33.53 and the average balance in the prisoner's account each month for the most recent 6-month period was \$ 77.44.

Dated: 8-5-8


[Authorized officer of the institution]

REPORT ID: TS3030 701

REPORT DATE: 08/05/08
PAGE NO: 1CALIFORNIA DEPARTMENT OF CORRECTIONS
MULE CREEK STATE PRISON
INMATE TRUST ACCOUNTING SYSTEM
INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: FEB. 01, 2008 THRU AUG. 05, 2008

ACCOUNT NUMBER : V54572
ACCOUNT NAME : MERINO, MARIO ALBERT
PRIVILEGE GROUP : A
BED/CELL NUMBER: B 08000000000242U
ACCOUNT TYPE: 1

TRUST ACCOUNT ACTIVITY

DATE	TRAN	DESCRIPTION	COMMENT	CHECK NUM	DEPOSITS	WITHDRAWALS	BALANCE
02/01/2008		BEGINNING BALANCE					76.20
02/06*VDS4		INMATE PAYROL JAN 2851			12.15		88.35 <i>Feb</i>
02/19 FR01		CANTEEN RETUR 703025				35.00-	123.35
02/19 FC02		DRAW-FAC 2				70.00	53.35
03/06*DD30		CASH DEPOSIT					98.35
03/24 FR01		CANTEEN RETUR 703412				1.90-	100.25 <i>Mar</i>
03/24*FC02		DRAW-FAC 2 B/3RD 3430				30.00	70.25 <i>Apr</i>
04/09 W521		FUND RAISER C FOOD 3668				22.00	48.25
04/09 W521		FUND RAISER C DON 3672				4.40	43.85
04/21 FR01		CANTEEN RETUR 703831				2.75-	46.60
04/21 FC02		DRAW-FAC 2 B/3RD 3851				25.00	21.60
04/24*DD30		CASH DEPOSIT MLLST 3906					66.60 <i>May</i>
05/19 FC02		DRAW-FAC 2 B/3RD 4292				30.00	36.60
06/03*DD30		CASH DEPOSIT MLLST 4446					90.60 <i>Jun</i>
06/23 FC02		DRAW-FAC 2 B/3RD 4706				40.00	50.60
06/26 W502		POSTAGE CHARG 0625 4746				2.02	48.58 <i>Jul</i>
07/21 FC02		DRAW-FAC 2 BYD/3 0279				20.00	28.58
07/25*DD30		CASH DEPOSIT MLLST 0373					73.52

* RESTITUTION ACCOUNT ACTIVITY

DATE SENTENCED: 10/21/04
COUNTY CODE: *SCL
CASE NUMBER: *CC328533
FINE AMOUNT: \$ 1,190.00

DATE	TRANS.	DESCRIPTION	TRANS. AMT.	BALANCE
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02/01/2008		BEGINNING BALANCE		528.41
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02/06/08	VR54	RESTITUTION DEDUCTION-SUPPORT	13.50-	514.91
03/06/08	DR30	REST DED-CASH DEPOSIT	50.00-	464.91
04/24/08	DR30	REST DED-CASH DEPOSIT	50.00-	414.91

REPORT ID: TS3030 .701

REPORT DATE: 08/05/08
PAGE NO: 2

MULE CREEK STATE PRISON
INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: FEB. 01, 2008 THRU AUG. 05, 2008

ACCT: V54572 ACCT NAME: MERINO, MARIO ALBERT ACCT TYPE: I

* RESTITUTION ACCOUNT ACTIVITY

DATE SENTENCED: 10/21/04
COUNTY CODE: *SCL

CASE NUMBER: *CC328533
FINE AMOUNT: \$ 1,190.00

DATE	TRANS.	DESCRIPTION	TRANS. AMT.	BALANCE
06/03/08	DR30	REST DED-CASH DEPOSIT	60.00-	354.91
07/25/08	DR30	REST DED-CASH DEPOSIT	50.00-	304.91

* THIS STATEMENT DOES NOT REFLECT THE ADMINISTRATIVE FEE CHARGE THAT *
* IS EQUAL TO TEN PERCENT OF THE RESTITUTION AMOUNT COLLECTED *

TRUST ACCOUNT SUMMARY

BEGINNING BALANCE	TOTAL DEPOSITS	TOTAL WITHDRAWALS	CURRENT BALANCE	HOLDS BALANCE	TRANSACTIONS TO BE POSTED
76.20	201.15	203.77	73.58	0.00	0.00

CURRENT AVAILABLE BALANCE

73.58

THE WITHIN INSTRUMENT IS A CORRECT
COPY OF THE TRUST ACCOUNT MAINTAINED
BY THIS OFFICE.



ATTEST:
CALIFORNIA DEPARTMENT OF CORRECTIONS

BY TRUST OFFICE

M.C.S.P.

Memo Memo / V-54572 (8-8-2004)

P.O. Box 408040
DOWNE, CA. 95646

RECEIVED

AUG 14 2008

U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CN

Northern District of C

Clerk's Office

450 Golden Gate Ave, 16th Floor
San Francisco, CA. 94102



S. Winkler 08-12-08